

RECEIVED CLERK

FILED  
CLERK, U.S. DISTRICT COURT

2004 AUG -4 P 5:4b

2004 AUG -5 P 2:3b

U.S. DISTRICT COURT  
DISTRICT OF UTAH

DISTRICT OF UTAH  
BY: DEPUTY CLERK

SNELL & WILMER L.L.P.  
Alan L. Sullivan (3152)  
Todd M. Shaughnessy (6651)  
Amy F. Sorenson (8947)  
15 West South Temple, Suite 1200  
Salt Lake City, Utah 84101-1004  
Telephone: (801) 257-1900  
Facsimile: (801) 257-1800

CRAVATH, SWAINE & MOORE LLP  
Evan R. Chesler (admitted pro hac vice)  
David R. Marriott (7572)  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

*Attorneys for Defendant/Counterclaim-Plaintiff  
International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-  
Defendant,

vs.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Defendant/Counterclaim-  
Plaintiff.

**ORDER GRANTING EX PARTE MOTION  
FOR LEAVE TO FILE AN OVERLENGTH  
MEMORANDUM**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

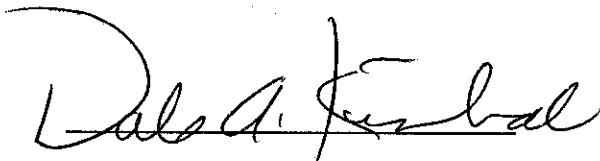
Magistrate Judge Brooke C. Wells

Based upon IBM's Ex-Parte Motion for Leave to File Overlength Memorandum in  
Opposition to SCO's "Renewed" Motion to Compel, and for good cause appearing thereon;

IT IS HEREBY ORDERED that IBM may file its overlength Memorandum in  
Opposition To SCO's "Renewed" Motion to Compel, not to exceed 14 pages of argument.

DATED this 5<sup>th</sup> day of August, 2004.

**BY THE COURT**

A handwritten signature in black ink, appearing to read "Dale A. Fesbach". The signature is fluid and cursive, with a prominent "D" at the beginning.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4<sup>th</sup> day of August, 2004, a true and correct copy of the foregoing was hand delivered to the following:

Brent O. Hatch  
Mark F. James  
HATCH, JAMES & DODGE, P.C.  
10 West Broadway, Suite 400  
Salt Lake City, Utah 84101

and was sent by U.S. Mail, postage prepaid, to the following:

Robert Silver  
BOIES, SCHILLER & FLEXNER LLP  
333 Main Street  
Armonk, NY 10504

Stephen N. Zack  
Mark J. Heise  
BOIES, SCHILLER & FLEXNER LLP  
100 Southeast Second Street, Suite 2800  
Miami, Florida 33131

Torloman

blk

United States District Court  
for the  
District of Utah  
August 5, 2004

\* \* CERTIFICATE OF SERVICE OF CLERK \* \*

Re: 2:03-cv-00294

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Brent O. Hatch, Esq.  
HATCH JAMES & DODGE  
10 W BROADWAY STE 400  
SALT LAKE CITY, UT 84101  
EMAIL

Scott E. Gant, Esq.  
BOIES SCHILLER & FLEXNER  
5301 WISCONSIN AVE NW  
WASHINGTON, DC 20015

Frederick S. Frei, Esq.  
ANDREWS KURTH  
1701 PENNSYLVANIA AVE NW STE 300  
WASHINGTON, DC 20006

Evan R. Chesler, Esq.  
CRAVATH SWAINE & MOORE  
825 EIGHTH AVE  
NEW YORK, NY 10019  
EMAIL

Mr. Alan L Sullivan, Esq.  
SNELL & WILMER LLP  
15 W SOUTH TEMPLE STE 1200  
GATEWAY TOWER W  
SALT LAKE CITY, UT 84101  
EMAIL

Mark J. Heise, Esq.  
BOIES SCHILLER & FLEXNER  
100 SE 2ND ST STE 2800  
MIAMI, FL 33131  
EMAIL

Mr. Kevin P McBride, Esq.  
1299 OCEAN AVE STE 900  
SANTA MONICA, CA 90401  
EMAIL

**Robert Silver, Esq.**  
**BOIES SCHILLER & FLEXNER**  
**333 MAIN ST**  
**ARMONK, NY 10504**

**Mr. David W Scofield, Esq.**  
**PETERS SCOFIELD PRICE**  
**340 BROADWAY CENTRE**  
**111 E BROADWAY**  
**SALT LAKE CITY, UT 84111**  
**EMAIL**